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Human rights situations that require the Council's attention

Written statement* submitted by Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

An urgent call to investigate past and on-going human rights crisis of people affected by the war on Iraq

Introduction

This year marks the tenth anniversary of the 2003 Iraq War. Since the invasion, the US/UK led coalition/occupying forces and the Iraqi authorities failed to fulfil their obligation to protect people's rights to life and health, causing devastating results of people's life and health in Iraq.

Grave human rights violations during the war and occupation in Iraq

Atrocities in Iraq have been devastating. Researchers of Johns Hopkins Bloomberg School of Public Health in the US calculated that about 655,000 Iraqis died as a consequence of the Iraq War in 2003.¹ The World Health Organization (WHO) estimated 151,000 violent deaths in Iraq from March 2003 through June 2006.² Classified Pentagon files released by WikiLeaks recorded over an estimated 66,000 civilians were killed during the Iraq War between 2004 and 2009.³

Various reports have described grave violations of international human rights and humanitarian law by occupying forces in Iraq. For example, US attacks on Fallujah in April and November 2004 were widely reported to include alleged war crimes, direct attacks against the civilian population, use of white phosphorous weapons on civilians, and a denial of citizen's access to hospitals.⁴ It has been reported that coalition forces employed inhuman, indiscriminate or toxic weapons such as depleted uranium weapons, cluster bombs and white phosphorous munitions in civilian urban areas without any protective measures to minimize harm to civilians.⁵ It has been also reported that use of these weapons caused significant numbers of civilian deaths, as well as critical impacts on human health even after the war.⁶ Further, it is well established that the US military committed abusive

¹ Gilbert Burnham, Riyadh Lafta, Shannon Doocy, Les Roberts, "Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey", *The Lancet* Published online October 11, 2006 <http://brusselstribunal.org/pdf/lancet111006.pdf>.

² Iraq Family Health Survey Study Group, "Violence-Related Mortality in Iraq from 2002 to 2006", *N Engl J Med* 2008; 358:484-493, January 31, 2008 (95% uncertainty range, 104,000 to 223,000). <http://www.nejm.org/doi/full/10.1056/NEJMs0707782> - t=articleBackground.

³ Leigh, D. 'Iraq war logs reveal 15,000 previously unlisted civilian deaths', *The Guardian*, 22 October 2010, [Accessed 31 January 2013] <http://www.guardian.co.uk/world/2010/oct/22/true-civilian-body-count-Iraq>.

⁴ Professor Paul Hunt, the UN Special Rapporteur on the right to health stated credible allegations persist that the Coalition forces have been guilty of serious breaches of international humanitarian and human rights law, citing report that use of indiscriminate force has resulted estimated 750 civilian deaths, 90 per cent were non-combatants. <http://www.un.org/News/Press/docs/2004/hr4738.doc.htm>; In November 16, 2004, the UN High Commissioner for Human Rights expressed deep concern about the situation of fighting in Fallujah and stated that "all violations of international humanitarian law and human rights law must be investigated and those responsible for breaches -- including deliberate targeting of civilians, indiscriminate and disproportionate attacks, the killing of injured persons must be brought to justice, be they members of the Multinational Force or insurgents." www.unhcr.ch/hurricane/hurricane.nsf/view01/7472316E3570A216C1256F4E0046EDC6?opendocument.

⁵ "U.S. Using Cluster Munitions In Iraq", Human Rights Watch report, <http://www.hrw.org/news/2003/04/01/us-using-cluster-munitions-iraq>.

⁶ <http://www.globalresearch.ca/us-military-committed-war-crimes-in-fallujah/8340>, "Fallujah: The hidden massacre". [http://video.google.ca/videoplay?docid=8905191678365185391](http://video.google.ca/videoplay?docid=8905191678365185391&q=Fallujah%3A+hidden+massacre&total=38&start=0&num=10&so=0&type=search&plindex=0;) &q=Fallujah%3A+hidden+massacre&total=38&start=0&num=10&so=0&type=search&plindex=0;

treatment against Iraq detainees at Abu Ghraib and other prisons, such as physical abuses and humiliation, which constitute torture and inhuman treatment.⁷

However, most of the alleged human rights violations have not yet been properly investigated by US domestic authorities, nor their perpetrators brought to justice, in particular those at the top commanders' decision-making level, while victims are still suffering physical harms without any reparations. Neither have these violations been sufficiently and comprehensively investigated by any UN independent inquiry.

Human Rights Now (HRN) calls for impartial investigations of violations of international human rights and humanitarian law during the invasion and occupation by coalition forces by an independent inquiry of the UN to ensure justice, accountability, non-recurrence and adequate reparation for all victims.⁸

Epidemic of congenital birth defects in Iraqi cities

HRN is particularly concerned about the ongoing and future health and life risks to Iraqis caused by toxic wastes from the armed conflict. The 2003 Iraq War led to a significant release of toxic materials into the environment that continues to put the life and health of children in particular at risk. In the years following the war, there has been an epidemic of congenital birth defects in Iraq cities.

Iraqi physicians have expressed serious concern to the international community about the prevalence of birth defects through various media. The Independent reported that "Iraqi doctors in Fallujah have complained since 2005 of being overwhelmed by the number of babies with serious birth defects, ranging from a girl born with two heads to paralysis of the lower limbs. They said they were also seeing far more cancers than they did before the battle for Fallujah between US troops and insurgents."⁹

Samira Alaan, a physician of Fallujah General Hospital, reported research finding congenital malformations in 15% of all births in Fallujah, Iraq since 2003, concluding that "the high prevalence of birth defects in Fallujah is impairing the population's health and its capacity to care for the surviving children" and "[t]hese defects could be due to environmental contaminants which are known components of modern weaponry."¹⁰ Prevailing studies maintain that depleted uranium (DU) munitions used by US and UK troops contributed to the epidemic of congenital birth defects and rise in cancers, such as Busby, Hamdam, Ariabi (2010) which concluded that "enriched Uranium exposure is either

Please refer to the following links; <http://www.globalresearch.ca/america-s-fallujah-legacy-white-phosphorous-depleted-uranium-the-fate-of-iraq-s-children/30372>, <http://www.hrw.org/en/reports/2003/12/11/target-0>, http://www.un.org/sg/spokesperson/highlights/?HighD=11/17/2005&d_month=11&d_year=2005; <http://www.hrw.org/news/2003/04/29/iraq-clusters-info-needed-us-uk>

⁷ Batty, D. 'Iraq war logs: UN calls on Obama to investigate human rights abuses', The Guardian, 23 October 2010, [Accessed 31 January 2013], <http://www.guardian.co.uk/world/2010/oct/23/united-nations-call-obama-investigation-abuses-iraq?intcmp=239>.

⁸ Human Rights Now is an international human rights NGO based in Tokyo, Japan, <http://hrn.or.jp/eng/>.

⁹ Patrick Cockburn, "Toxic legacy of US assault on Fallujah 'worse than Hiroshima'", The Independent, 24 July 2010 - <http://www.independent.co.uk/news/world/middle-east/toxic-legacy-of-us-assault-on-fallujah-worse-than-hiroshima-2034065.html>.

¹⁰ Samira Alaani, Mozhgan Savabieasfahani, Mohammad Tafash and Paola Manduca, "Four Polygamous Families with Congenital Birth Defects from Fallujah, Iraq", Int. J. Environ. Res. Public Health 2011, 8(1), 89-96 <http://www.mdpi.com/1660-4601/8/1/89/pdf>.

a primary cause or related to the cause of the congenital anomaly and cancer increase” in Fallujah from 2005 to 2009.¹¹

The specific quantities and placements of DU munitions used in the 2003 Iraq War have not been identified at present due to the US government not releasing such information, despite the United Nations Environment Programme (UNEP) requirement to release the data.¹² A 2010 UN General Assembly resolution called for DU user-states to reveal quantitative and geographic data in the use and the amounts of DU to affected governments upon their request.¹³ The UK Ministry of Defense (UK MOD) indicated that less than one ton of DU ammunition was used during the 1991 Gulf war and approximately 1.9 tons of DU in the 2003 Iraq war. The total amount of DU munitions used during the 2003 conflict is speculated to be from 170 to 1,700 metric tons.¹⁴ However, the total amount remains unknown.

Ten years after the 2003 Iraq War, there has not been sufficient investigation of the health consequences associated with DU munitions in Iraq by independent international organizations such as UN bodies. The Iraq Ministry of Health and WHO have conducted a survey of increased birth defects in Iraq to be published in early 2013; however, the relationship between birth defects and DU was not surveyed.¹⁵

In order to prevent further loss of life and health, it is urgent to investigate the sources and spread of birth defects, identify causes, establish effective public health policies and medical care, and provide appropriate compensation for victims. It is important to identify who to hold accountable in accordance with international human rights standards and international humanitarian law, as well as the “polluter pays” principle in international environmental law.

Recommendations

HRN recommends the Human Rights Council take the following actions in light of these facts and issues:

- Request the government of Iraq to establish an independent inquiry into the health situation of the civilian population in Fallujah;
- Require the US and UK governments to release quantitative and geographic information on DU use in Iraq;

¹¹ Cancer, Infant Mortality and Birth Sex-Ratio in Fallujah, Iraq 2005–2009 Chris Busby , MalakHamdan and EntesarAriabi, *Int. J. Environ. Res. Public Health* 2010, 7, 2828-283, <http://www.mdpi.com/1660-4601/7/7/2828>.

¹² IKV Pax Christi, “Hazard Aware: Lessons learned from military field manuals on depleted uranium and how to move forward for civilian protection norms”, September 2012 <http://www.ikvpaxchristi.nl/media/files/hazard-aware.pdf>; International Coalition to Ban Uranium Weapons “Precaution in Practice: challenging the acceptability of depleted uranium weapons”, 1 October 2012 <http://www.bandepleteduranium.org/en/precaution-in-practice>.

¹³ United Nations General Assembly A/RES/65/55 Effects of the use of armaments and ammunitions containing depleted uranium, 13 January 2011 - http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/65/55.

¹⁴ United Nations Environment Programme, “Technical Report on Capacity-building for the Assessment of Depleted Uranium in Iraq”, Geneva, August 2007 - <http://reliefweb.int/report/iraq/technical-report-capacity-building-assessment-depleted-uranium-iraq>.

¹⁵ <http://www.emro.who.int/irq/iraq-news/congenital-birth-defect-survey.html>.

- Request the US and UK governments investigate human rights abuses in the Iraq War, and uphold their obligations under international law toward ongoing violations;
 - Request relevant UN special rapporteurs to investigate matters associated with the epidemic of congenital birth defects in Iraq such as causation, prevention, remedy, accountability, and victims' needs;
 - Create a new mandate within the special procedure under the Human Rights Council to investigate all human rights violations associated with the use of inhuman, indiscriminate and toxic weapons in armed conflict.
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